

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In Re:

YARITZA RIVERA

Case No: 6-16-bk-04002

Debtor(s)  
\_\_\_\_\_

**FIRST AMENDED CHAPTER 13 PLAN**

**CHECK ONE:**

  X   Debtor<sup>1</sup> certifies that the Plan does not deviate from the model plan adopted by the Court at the time of the filing of this case. Any nonconforming provisions are deemed stricken.

       The Plan contains provisions that are specific to this Plan in paragraph 9, Nonconforming Provisions. Any nonconforming provision not set forth in paragraph 9 is deemed stricken.

1. **MONTHLY PLAN PAYMENTS.** Plan payments include the Trustee's fee of 10% and shall begin 30 days from petition filing/conversion date. Debtor shall make payments to the Trustee for the period of 60 months. If the Trustee does not retain the full 10%, any portion not retained will be disbursed to allowed claims receiving payment under the plan and may cause an increased distribution to the unsecured class of creditors:

- (A) \$222.00 for months 1 through 5
- (B) \$1784.00 for months 6 through 10
- (C) \$1,844.00 for months 11 through 60

To pay the following creditors:

2. **ADMINISTRATIVE ATTORNEY'S FEES.**

Base Fee \$3,000.00 Total Paid Prepetition \$2,000.00 Balance Due: \$1,000.00 plus monitoring fees.

Estimated Additional Fees Subject to Court Approval \$ \_\_\_\_\_

Attorney's Fees Payable through Plan \$1,000.00 from Month No 1 through 10; Monthly monitoring fees for months 11 through 36 (subject to adjustment).

<sup>1</sup> All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

3. **PRIORITY CLAIMS** (as defined in 11 U.S.C. § 507).

CREDITOR	CLAIM	MONTHLY PAYMENT	PAYMENTS No.
Modesto Lopez	\$1,000.00	100.00	1-10

4. **TRUSTEE FEES.** Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

5. **SECURED CLAIMS.** Pre-confirmation payments allocated to secured creditors under the Plan, other than amounts allocated to cure arrearages, shall be deemed adequate protection payments.

(A) **Claims Secured by Real Property Which Debtor Intends to Retain/ Mortgage Payments and Arrears, if any, Paid through the Plan.** If the Plan provides for curing prepetition arrearages on a mortgage, Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly post petition mortgage payments to the Trustee as part of the Plan. These mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the post petition mortgage payments on the following mortgage claims:

	CREDITOR	Collateral	Reg Mo. Pmt	ARREARS	Payment Amount	Pay Number
	HSBC (mortgage)	HOME	1,270.00	7,332.00	134.00	6-60
	Wetherbee HOA	HOME		11,210.00	\$100.00 \$205.00	1-10 11-60

(B) **Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification.** Pending the resolution of a mortgage modification request, Debtor shall make the following adequate protection payments to the Trustee: (1) for *homestead* property, the lesser of 31% of gross disposable monthly income of Debtor and non-filing spouse, if any (after deducting homeowners association fees), or the normal monthly contractual mortgage payment, or (2) for *non-homestead*, income-producing property, 75% of the gross rental income generated from the property:

Last 4 Digits of Acct. No.	Creditor	Collateral Address	Pmt. Amt.
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**(C) Claims Secured by Real Property or Personal Property to Which Section 506 Valuation APPLIES.** Under 11 U.S.C. § 1322(b)(2), this provision does not apply to a claim secured solely by Debtor's principal residence. A separate motion to determine secured status or to value the collateral must be filed. The secured portion of the claim, estimated below, shall be paid:


**(D) Claims Secured by Real Property and/or Personal Property to Which Section 506 Valuation DOES NOT APPLY.** Claims of the following secured creditors shall be paid in full with interest:

Acct. No.	Creditor	Collateral	Claim Amount	Payment	Months
	HSBC	Home	\$7,332.00	125.00	2-60
	Wetherbee HOA	Home	\$10,566.00	\$100.00 \$192.00	1-10 11-60

**(E) Claims Secured by Personal Property – Maintaining Regular Payments and Curing Arrearages, if any, with All Payments in Plan.**

Last 4 Digits of Acct No.	Creditor	Collateral Description	Regular Payment	Arrearages
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**(F) Secured Claims/Lease Claims Paid Direct by Debtor.** The following secured claims/lease claims are being made via automatic debit/draft from Debtor's depository account and are to continue to be paid direct to the creditor or lessor by Debtor outside the Plan via automatic debit/draft. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan.



Nothing herein is intended to terminate or abrogate Debtor's state law contract rights. (Note: The Plan must provide for the assumption of lease claims that Debtor proposes to pay direct in the Lease/Executory Contract Section 6 below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral
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(G) **Liens to be Avoided per 11 U.S.C. § 522/Stripped Off per 11 U.S.C. § 506.** A separate motion to avoid a lien under § 522 or to determine secured status and to strip a lien under § 506 must be filed.

Last 4 Digits of Acct No.	Creditor	Collateral Description/Address
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(H) **Surrender of Collateral/Leased Property.** Debtor will surrender the following collateral/leased property. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan. (Note: The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral to be Surrendered
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## 6. LEASES/EXECUTORY CONTRACTS.

Last 4 Digits of Acct No.	Creditor	Property	Assume/Reject-Surrender	Est. Arrears
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7. **GENERAL UNSECURED CREDITORS.** General unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid under a subsequent Order Confirming Plan. The estimated dividend to unsecured creditors shall be no less than \$\_\_\_\_\_.

## 8. ADDITIONAL PROVISIONS:

- (A) Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims:
- (B) Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as allowed by an Order of the Bankruptcy Court.
- (C) Property of the estate (check one)\*

- (1) \_\_\_\_\_ shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise; or
- (2) \_\_\_\_\_ shall vest in Debtor upon confirmation of the Plan.

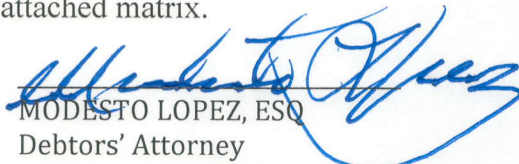
\*If Debtor fails to check (1) or (2) above, or if Debtor checks both (1) and (2), property of the estate shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

- (D) The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief and/or the proofs of claim as filed and allowed. The Trustee shall only pay creditors with filed and allowed proof of claims. An allowed proof of claim will control, unless the Court orders otherwise.
- (E) The Debtor may attach a summary or spreadsheet to provide an estimate of anticipated distributions. The actual distributions may vary. If the summary or spreadsheet conflicts with this Plan, the provisions of the Plan control prior to confirmation, after which time the Order Confirming Plan shall control.
- (F) Debtor shall timely file all tax returns and make all tax payments and deposits when due. (However, if Debtor is not required to file tax returns, Debtor shall provide Trustee with a statement to that effect.) For each tax return that becomes due after the case is filed, Debtor shall provide a complete copy of the tax return, including business returns if Debtor owns a business, together with all related W-2s and Form 1099s, to the Trustee within 14 days of filing the return. Unless otherwise ordered by the Court, Debtor shall turn over to the Trustee all tax refunds in addition to regular Plan payments. Debtor shall not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtor shall spend no tax refunds without prior court approval.**

YARITZA RIVERA

Dated: 10/23/2016

I hereby certify that on the 23rd day of October 2016 I delivered either by US Mail or Electronic mail copy of this Plan to everyone listed on the attached matrix.

  
MODESTO LOPEZ, ESQ  
Debtors' Attorney  
FL BAR NO. 0623751  
2707 E. Jefferson Street  
ORLANDO, FL 32803  
PHONE 407/894-8184  
Mlopezlaw@msn.com



Label Matrix for local noticing  
113A-6  
Case 6:16-bk-04002-ABB  
Middle District of Florida  
Orlando  
Sun Oct 23 13:07:00 EDT 2016

Ability Recovery Servi  
Po Box 4031  
Wyoming, PA 18644-0031

Capita One Bank  
c/o Portfolio Recovery Assc  
PO Box 12914  
Norfolk, VA 23541-0914

Dept Of Education/NeIn  
121 S 13th St  
Lincoln, NE 68508-1904

Eastern Account System  
75 Glen Rd Ste 310  
Sandy Hook, CT 06482-1175

Florida Department Revenue  
Bankruptcy Unit  
PO Box 6668  
Tallahassee, FL 32314-6668

Florida Hospital Orl  
c/o Kevin B Wilson Law  
PO Box 24103  
Chattanooga, TN 37422-4103

I C System Inc  
Po Box 64378  
Saint Paul, MN 55164-0378

Laurie K. Weatherford  
PO BOX 3450  
Winter Park, FL 32790-3450

N Amer Cr - Mail Onl  
2810 Walker Road  
Chattanooga, TN 37421-1082

Yaritza Rivera  
11436 Bentry Street  
Orlando, FL 32824-4420

Afni, Inc.  
Po Box 3097  
Bloomington, IL 61702-3097

Corinthian College  
c/o Jefferson Capital Syst  
PO Box 953185  
Saint Louis, MO 63195-3185

Dominion Hope  
1201 E 55th St  
Cleveland, OH 44103-1028

FLORIDA HOSPITAL ORLANDO  
C/O KEVIN B WILSON LAW OFFICES  
2810 WALKER RD STE 102  
CHATTANOOGA, TN 37421-1082

Florida Department of Revenue  
Bankruptcy Unit  
Post Office Box 6668  
Tallahassee FL 32314-6668

Frost Amet Co  
PO Box 198988  
Nashville, TN 37219-8988

Internal Revenue Service  
Centralized Insolvency Oper  
PO Box 7346  
Philadelphia, PA 19101-7346

Mbb  
1460 Renaissance Dr  
Park Ridge, IL 60068-1331

National Auto Finance Co  
c/o Northstar Loc Serv  
4285 Genesee St  
Cheektowaga, NY 14225-1943

Wetherbee Lakes Community Association, Inc.  
c/o Matt G. Firestone, Esq.  
Shuffield, Lowman & Wilson, P.A.  
1000 Legion Place, Suite 1700  
Orlando, FL 32801-1028

(p)AMERICAN HONDA FINANCE  
P O BOX 168088  
IRVING TX 75016-8088

Credit Protection Asso  
13355 Noel Rd Ste 2100  
Dallas, TX 75240-6837

Dpt Ed/Slm  
11100 Usa Pkwy  
Fishers, IN 46037-9203

Fifth Third Bank  
5050 Kingsley Dr  
Cincinnati, OH 45227-1115

Florida Hospital  
PO Box 538800  
Patient Financial Dept  
Orlando, FL 32853-8800

HSBC Bank USA, National Association  
Select Portfolio Servicing, Inc.  
Salt Lake City, UT 84165-0450

Internal Revenue Service  
Post Office Box 7346  
Philadelphia PA 19101-7346

Mccoy Federal Credit U  
1900 Mccoy Rd  
Orlando, FL 32809-7896

North Amercn  
2810 Walker Rd  
Chattanooga, TN 37421-1082

Orange County Tax Coll  
PO Box 2551  
Orlando, FL 32802-2551

Orange County Tax Collector  
PO Box 545100  
Orlando FL 32854-5100

Orlando Health  
PO Box 918207  
Orlando, FL 32891-0001

Orlando Health  
c/o Holloway Credit Sol  
286 Carmichael Way  
Montgomery, AL 36106

Portfolio Recovery Ass  
120 Corporate Blvd Ste 1  
Norfolk, VA 23502-4952

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for  
CF Medical LLC  
PO Box 788  
Kirkland, WA 98083-0788

Select Portfolio Svcin  
Po Box 65250  
Salt Lake City, UT 84165-0250

Slm Financial Corp  
11100 Usa Pkwy  
Fishers, IN 46037-9203

Syncb/Old Navy  
Po Box 965005  
Orlando, FL 32896-5005

Syncb/Oldnavydc  
Po Box 965005  
Orlando, FL 32896-5005

Tridentasset.Com  
53 Perimeter Ctr E Ste 4  
Atlanta, GA 30346-2294

U.S. Department of Education  
C/O Nelnet  
121 South 13th Street, Suite 201  
Lincoln, NE 68508-1911

University Of Phoenix  
4615 E Elwood St Fl 3  
Phoenix, AZ 85040-1908

Us Dept Ed  
Po Box 7202  
Utica, NY 13504-7202

Valencia College  
c/o Continental Serv Group  
200 Crosskeys Office Park  
Fairport, NY 14450-3510

Wetherbee Homeowners Assc  
c/o Matt G. Firestone, Esq.  
1000 Legion Place, 1700  
Orlando, FL 32801-1028

Women Center ofOrlando  
c/o Tansworld Systemns  
507 Prudential Road  
Horsham, PA 19044-2308

no name on CR Liability

Matt G Firestone +  
Shuffield, Lowman & Wilson, P.A.  
1000 Legion Place, Suite 1700  
Orlando, FL 32801-1028

Modesto Lopez +  
Modesto Lopez, P.A.  
2707 E. Jefferson Street  
Orlando, FL 32803-6116

United States Trustee - ORL7/13 7+  
Office of the United States Trustee  
George C Young Federal Building  
400 West Washington Street, Suite 1100  
Orlando, FL 32801-2210

Scott C Lewis +  
Albertelli Law  
PO Box 23028  
Tampa, FL 33623-2028

Note: Entries with a '+' at the end of the  
name have an email address on file in CMECF

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance  
Po Box 1027  
Alpharetta, GA 30009

Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Arthur B. Briskman  
Orlando

(u)HSBC Bank USA, National Association, as Tr

(d)Laurie K Weatherford +  
Post Office Box 3450  
Winter Park, FL 32790-3450

End of Label Matrix	
Mailable recipients	53
Bypassed recipients	3
Total	56